

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- January 17, 1968

Appeal Nos. 9475-9481    United Capital Corporation et al and Gray Capital  
Property, Inc., appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following  
Order was entered at the meeting of the Board on January 24, 1968.

EFFECTIVE DATE OF ORDER - March 14, 1968

**ORDERED:**

That the appeals for variance from the minimum lot area and width  
requirements of the R-2 District to permit erection of single family semi-  
detached dwellings, be granted in part as follows:

- (a) Square 5225, lots 11, 36-38, 33, 32, 25-27, at 56th, Foote, Eads  
and 55th Streets, NE. (9475)
- (b) Square 5239, lot 11, at northside of 5200 block of Banks Place,  
NE. (9476)
- (c) Square 5264, lots 39, 40, 32 at the westside of 59th Street  
and southside of Dix Street, NE. (9477)
- (d) Square 5230, lots 16, 18, 34 at the eastside of 55th Street  
and westside of 56th Street, NE. (9478)
- (e) Square 5217, lots 804 and 805, at the northside of Foote Street,  
NE. (9479)
- (f) Square 5238, lots 5, 6, 8, 9, at the northside of 5200 block of  
Clay Street, NE. (9480)
- (g) Square 5240, lots 6 and 7, at the northside of 5200 block of  
Blaine Street, NE. (9481)

**FINDINGS OF FACT:**

- (1) The subject property is located in an R-2 District.
- (2) Appellants have acquired numerous lots throughout this general area  
and all the lots were created by subdivision prior to May 12, 1958, the date  
of enactment of the current Zoning Regulations.
- (3) Most of the lots are 25 feet in width and the depth varies from  
100 to 140 feet. Appellants proposed to erect single family semi-detached  
houses.

(4) Minimum lot dimensions for dwellings in the R-2 District are 3,000 square feet in lot area and 30 feet in width.

(5) At the public hearing, appellants requested the reinstatement of BZA Appeal No. 8846 by amending the subject appeal to add lots 31 and 813 in square 5210.

(6) The Board took the matter under advisement and amended the appeal as requested at its meeting on January 24, 1968.

(7) At the public hearing a question was raised as to the necessity for filing appeal on all of the lots indicated by these appeals. The record will be held open to allow appellants an opportunity to check into the matter.

(8) By letter dated January 19, 1968 (BZA Exhibit No. 33) appellants requested that certain variances be withdrawn. The are as follows:

#9475	Lots 11,33,32	Square 5225
#9476	Lot 11	Square 5239
#9477	Lots 39,40,32	Square 5264
#9478	Lots 16,18,34	Square 5230
#9479	Lots 805,804	Square 5217
#9480	Lots 5,6,8,9	Square 5238
#9481	Lots 6,7,	Square 5240

(9) By letter dated January 23, 1968 (BZA Exhibit No. 34a) the Northeast Boundary Civic Association states that they have no objection to the appeals. No opposition to the granting of these appeals was registered at the public hearing.

OPINION:

We accept withdrawal of all of the lots aforementioned except lots 36-38 and 25-27 in square 5225. These withdrawals are accepted without prejudice to refiling.

Appeals No. 8846 is included in this appeal. We incorporate here the Order effective August 12, 1966. We conclude that the facts remain as they were on the date of the previous Order and the reinstatement is consistent with that Order.

We are of the opinion that appellants have proved a hardship within the meaning of the variance clause of the Zoning Regulations and that failure to grant the relief requested will prevent a reasonable use of the property as zoned. The granting of this appeal will not adversely affect the use of neighboring property nor impair the intent, purpose and integrity of the zone plan.

Although appellants lots deviate from the requirements for lots in the R-2 District, the Board concludes that the granting of this appeal is not inconsistent with other existing improved lots in the area as indicated on the Baist Atlas.

ATTESTED:

By: James E. Bess  
JAMES E. BESS, Secretary of the Board